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OFFICE OF PETITIONS

In re Application of
HINES, Thomas N.
Application No. 10/808,217
Filed: March 24, 2004
Attorney Docket No. **PA4-3006**

DECISION ON PETITION
Under 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 17, 2006, which set a shortened statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 18, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

It is noted that a four (4) month extension of time was concurrently filed with the untimely amendment on December 21, 2006. Unfortunately, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$795 extension of time fee submitted with the untimely response on December 21, 2006 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The application is being referred to Technology Center Art Unit 2612 for consideration of the amendment filed December 21, 2006.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.


Brian W. Brown
Petitions Examiner
Office of Petitions